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A TREATISE ON THE LAW OF DOMESTIC RELATIONS. By W. C. Rodgers. In one volume. Chicago: T. H. Flood & Co. 1899. pp. cxxxiii, 900.

This work discloses great industry on the part of the author in the collection of cases and their statement. Mr. Rodgers has devoted himself to a consideration of particular decisions rather than to such an analysis of the cases as would lead to the fixing of general principles and would bring out sharply the conflict of authority on many of the subjects with which he deals. He has shown his respect for judicial opinion in his somewhat extended quotations of *dicta*, and has abstained from any severe criticisms. The book does not distinguish well between general principles and matters of detail and lacks conciseness. Much appears in the body of the work which another author would consign to the footnotes. On the other hand, there might be a more specific discussion of some of the leading cases on disputed questions, such as *Britton v. Turner*, 6 N. H. 481 and *Stark v. Parker*, 2 Pick. 266, cited in the notes to § 780. So the omission of any reference to *King v. Welcome*, 5 Gray 41, in connection with § 789 is unfortunate. The great value of the book to one seeking to reach the cases on the subject quickly is marred by an occasional lack of correspondence between the headnotes and the body of the sections. There is at times a reiteration of the same principle, as in §§ 66 and 78, and a disregard of the proportionate importance of principles. The chief value of the book is in the many cases which it cites.

E. F. M.

COMMENTARIES ON THE PROCEDURE OF CIVIL COURTS IN BRITISH INDIA.

By Hukm Chand. Bombay, 1899. pp. xiv, 127, 834.

The latest book by the author of "*Res Judicata*" and "*Law of Consent*" maintains the high reputation of its predecessors. This work is a commentary on the text of the Indian Code of Civil Procedure of 1882, which was founded upon the English Judicature Act of 1873. "The Indian courts," as Mr. Chand remarks in his preface, "have . . . been incessantly busy with the Code, explaining and developing it in its several parts, and turning out year after year several volumes of decisions, of which the majority, as in all countries, have reference to questions of procedure and practice." This ingenuous statement is a fair comment on the blessings of a code, which, we are told, will put the law within the reach of every reader, and dispense with a legally trained bench and bar. It is borne out by the experience of California, with its dozen volumes of reports in a good year, and by that of New York, with its library of Practice Reports; but the *dictum* should be limited to code states. In Massachusetts, for instance, with its common-law procedure, a somewhat careful investigation has shown that considerably less than one-fifth of all the cases can by the most liberal allowance be said even incidentally to involve any question of practice or procedure. As to the Indian act, it requires over eight hundred pages of comment to elucidate perhaps one fortieth as much legislation.

Mr. Chand's work, as one would have expected, is carefully and thoroughly done. The English and American reports, as well as the Indian reports, are cited in support of the author's propositions, and, it may be added, quite as accurately as an English or American author would cite them.

The book would be found useful, not only by a lawyer in a code state, but to a considerable degree in a common law state. The discussion on the subjects of Jurisdiction, Venue, Parties, *Res Judicata*, Foreign Judgments, and Set-off—in fact, the larger and more important part of the work—is of immediate practical use everywhere. It is lawyer-like, learned, and sound. Mr. Chand has again given us timely and convincing proof—if any were needed—that the principles of the common law find congenial soil in southern Asia.

J. H. B., JR.

THE LAW OF ANIMALS. By John H. Ingham. Philadelphia: T. & J. W. Johnson & Co. 1900. pp. xiii, 800.

The authorities which Mr. Ingham has collected upon the question of property in animals *feræ naturæ* which have been reclaimed amply justifies his contention that there is a well-marked legal distinction between animate and inanimate chattels. In torts and contracts the "law of animals" does not assume so definite a form. It is not so clearly differentiated, and the problems peculiar to animals still remain to a large degree questions of fact; nevertheless the distinction is there, and it furnishes a solid reason for the existence of Mr. Ingham's book. The greater part of the subject has of course been dealt with before in a fragmentary way by many text-writers, but in the sort of partial and incidental treatment which it has hitherto received many details are necessarily slighted, and in the no man's land which lies between the fields exploited by independent investigators not a few matters are likely to escape notice entirely. Mr. Ingham's work has certainly supplied any defects of this nature as far as the law of animals is concerned. The book is divided into seven main sections: Property in Animals, Transfer of Property, Rights of Owners, Liabilities of Owners, Bailment and Carriage, Cruelty and Game Laws, Injuries to Animals by Railways. Under these titles the writer has treated his subject with a fulness that leaves little to be desired. No pains appear to have been spared to make the collection of authorities complete, and the result is a book which will be of great practical assistance to lawyers. The discussion of the conflict of authority as to injuries to animals from defects in highways, and the elaborate treatment of the liability for injuries by railways, with its relation to fencing statutes, will prove especially valuable.

The author has perhaps adhered too closely to his policy of letting the cases speak for themselves without comment or criticism, and in consequence the book is a well-ordered and exhaustive digest rather than a scientific treatise. We can hardly agree that the duty of a text-writer is done when he has merely stated the conclusions reached in a large number of cases, nor does the principle of *stare decisis* carry such authority in his province as to make his dissent from decisions, obviously unsound on principle, either unconstructive or utterly ineffectual. It may be suggested also that the intention indicated in the preface of dealing only with such portions of the law as are affected by the peculiar qualities of animals might well have been pursued more strictly. Much of the section devoted to the Carriage of Animals is equally applicable to the carriage of any sort of property, and throughout the book is somewhat burdened with cases in which the fact that an animal happened to be connected with the subject of the litigation had no legal significance whatever.

F. E. H.